

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DEFRANCO,
Plaintiff,

v.

WILLIAM WOLFE, ET AL.,
Defendants.

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C.A. No. 04-230 Erie

ORDER

On May 8, 2006, Plaintiff filed his third motion for appointment of counsel in this case [Document # 170]. This Court denied Plaintiff's first two motions for appointment of counsel on December 7, 2004. [Document # 29]. Since that time, no new argument has been raised by Plaintiff, nor have any new complexities arisen that would warrant the appointment of counsel in this case.

AND NOW, this 23rd day of May, 2006.

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel [Document # 170] is DENIED.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge